

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EDMINDO A. ROACH JR.,

Plaintiff,

-against-

NEW YORK CITY HOUSING AUTHORITY;  
DC 37 LOCAL 287,

Defendants.

23-CV-8135 (JGLC)

**ORDER OF SERVICE**

JESSICA G. L. CLARKE, United States District Judge:

Plaintiff brings this *pro se* action under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 1981, and the New York State and City Human Rights Laws, alleging that his employer, New York City Housing Authority, discriminated against him based on his race. The Court construes the complaint as also asserting claims under state law against Plaintiff's union, DC 37 Local 287. By order dated September 14, 2023, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees. ECF No. 3.

**DISCUSSION**

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.<sup>1</sup> *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

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<sup>1</sup> Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the complaint until the Court reviewed the complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued.

To allow Plaintiff to effect service on Defendants New York City Housing Authority and DC 37 Local 287 through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for these Defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon these Defendants.

If the complaint is not served within 90 days after the date the summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

### **CONCLUSION**

The Clerk of Court is directed to issue summonses for the New York City Housing Authority and DC 37 Local 287, complete the USM-285 forms with the addresses for these Defendants and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Clerk of Court is further directed to mail an information package to Plaintiff.

Dated: October 5, 2023  
New York, New York

SO ORDERED



JESSICA G. L. CLARKE  
United States District Judge

**DEFENDANTS AND SERVICE ADDRESSES**

1. New York City Housing Authority  
90 Church Street  
New York, New York 10007
2. DC 37 Local 287  
125 Barclay Street  
New York, New York 10007